

**James Madison to Henry Wheaton, February 26,  
1827. Transcription: The Writings of James Madison,  
ed. Gaillard Hunt. New York: G.P. Putnam's Sons,  
1900-1910.**

**TO HENRY WHEATON. CHIC. HIST. SOC. MSS,**

Montpr., Feby. 26 & 27 [1827].

Dr. Sir Since I answered your letter of — it has occurred that I should not show a respect for your wishes if I failed to fulfil them by suggesting for your consideration the following topics, as far as they may fall within the range of your enlarged edition of the “Life of Mr. Pinkney.”

Without discussing the general character of the Treaty with G. B. in 1794, or wishing to revive animosities which time has soothed to rest, it may be recollected that among the great merits claimed for the Treaty were the indemnity for spoliations on our commerce, and the privilege of trading with British India.

On the first plea of merit, it may be remarked that such was the structure of the article stipulating indemnity, that but for the powerful exertions of our commissioners particularly Mr. Pinkney, and finally, the turn of the die that gave them the choice of the Umpire, the Treaty would have failed on that great point. It may be said therefore to have provided for one half only of what was obtained, the chance being equal of losing or gaining the whole.

On the other plea it is to be remarked that the value of the privileged trade depended very materially on its being open to *indirect* as well as direct voyages to India. Yet in a case turning on this point, which was carried before the Court of King's Bench, the Chief

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Justice although he decided in our favour, declared at the same time his belief that the real intention of the negotiators was otherwise, and his regret that the article happened to be so worded that the legal rules of interpretation constrained him to decide as he did. The twelve Judges confirmed the decision, presumably, *perhaps avowedly*, with the same impressions. My memory cannot refer to the source of my information on the subject. The whole case if not already known to you will doubtless be within your reach. Thus had fortune, or the fairness of the British Courts, failed us, the Treaty would have lost much of its favour with not a few of its warmest partizans.

In none of the Comments on the Declaration of the last war, has the more immediate impulse to it been sufficiently brought into view. This was the letter from Castlereagh to Foster, which according to the authority given, the latter put into the hands of the Secretary of State, to be read by him, and by the President also. In that letter it was distinctly & emphatically stated that the orders in Council, to which we had declared we would not submit, would not be repealed, without a repeal of internal measures of France, which not violating any neutral right of the U. S. they had no right to call on France to repeal, and which of course could give to G. B. no imaginable right agst. the U. S. (see the passages in the War Message and in the Committee's Report in 1812 both founded on the letter without naming it). With this formal notice, no choice remained but between war and degradation, a degradation inviting fresh provocations & rendering war sooner or later inevitable.

It is worthy of particular remark that notwithstanding the peremptory

declaration of the British Cabinet in the letter of Castlereagh, such was the distress of the British manufacturers, produced by our prohibitive and restrictive laws, as pressed on the House of Commons by Mr Broughton & others, that the orders in Council were soon after repealed, but not in time to prevent the effect of the declaration that they would not be repealed. The cause of the war lay therefore entirely on the British side. Had the repeal of the orders been substituted for the declaration that they would not be repealed, or had

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they been repealed but a few weeks sooner. our declaration of war as proceeding from that cause would have been stayed, and negotiations on the subject of improvements, the other great cause, would have been pursued with fresh vigor & hopes, under the auspices of success in the case of the orders in council.

The Declaration of War has been charged by G. B. & her partizans with being made in subserviency to the views of Napoleon. The charge is as foolish as it is false. If the war coincided with the views of the Enemy of G. B. and was favored by his operations against her, that assuredly could be no sound objection to the time chosen for extorting justice from her. On the contrary, the co-incidence, tho' it happened not to be the moving consideration, would have been a rational one; especially as it is not pretended that the U. S. acted in concert with that Chief, or precluded themselves from making peace without any understanding with him; or even from making war on France, in the event of peace with her enemy, and her continued violation of our neutral rights. It was a fair calculation, indeed, when war became unavoidable, or rather after it had commenced, that Napoleon whether successful or not agst Russia, would find full employment for her and her associates, G. B. included; and that it would be required of G. B. by all the powers with whom she was leagued, that she should not divert any part of her resources from the common defence to a war with the U. S. having no adequate object, or rather having objects adverse to the maritime doctrines and interests of every nation combined with her. Had the French Emperor not been broken down as he was, to a degree at variance with all human probability, and which no human sagacity could anticipate, can it be doubted that G. B. would have been constrained by her own situation and the demands of her allies, to listen to our reasonable terms of reconciliation. The moment chosen for the war would therefore have been well chosen if chosen with a reference to the French expedition agst. Russia; and although not so chosen, the coincidence between the war & the expedition promised at the time to be as favorable as it was fortuitous.

But the war was commenced without due preparation: this is another charge. Preparations in all such cases are comparative. The question to be decided is whether the adversary

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was better prepared than we were; whether delay on our side, after the approach of war would be foreseen on the other, would have made the comparative preparations better for us. As the main theatre of the war was to be in our neighbourhood, and the augmented preparations of the enemy were to be beyond the Atlantic, promptitude of attack was the evident policy of the U. S. It was in fact not the suddenness of the war as an Executive policy, but the tardiness of the Legislative provisions, which gave whatever colour existed for the charge in question. The recommendation of military preparations went from the Executive on the 5th. day of November; and so impressed was that Department of the Government with the advantage of dispatch in the measures to be adopted by Congress, that the Recommendation as was known contemplated a force of a kind and extent only which it was presumed might be made ready within the requisite period. Unfortunately this consideration had not its desired effect on the proceedings in Congress. The laws passed on the subject were delayed, that for filling up the peace establish till Decr. 24, and that for the new army to be raised till Jan'y 14 and such were the extent and conditions prescribed for the latter, that it could scarcely under any circumstances and by no possibility under the circumstances existing, be forthcoming within the critical season. It may be safely affirmed that the force contemplated by the Executive if brought into the field as soon as it might have

been would have been far more adequate to its object than that enacted by the Legislature could have been if brought into the field at the later day required for the purpose. When the time arrived for appointing such a catalogue of officers very few possessing a knowledge of military duty, and for enlisting so great a number of men for the repulsive term of five years and without the possibility of a prompt distribution in the midst of winter throughout the union of the necessary equipments & the usual attractions to the recruiting standards, the difference between the course recommended & that pursued was felt in its distressing force.

The Journals of Congress will shew that the Bills which passed into laws were not even reported till the [14th] of [April] by a Committee which was appointed on the

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[12th] of [November], a tardiness as strange in its appearance as it was painful in its consequences. Yet with all the disadvantages under which hostilities were commenced, their progress would have been very different, under a proper conduct of the initiative expedition into Upper Canada. The individual at the head of it had been pointed out for the service by very, obvious considerations. He had acquired during the war of the Revolution the reputation of a brave & valuable officer: He was of course an experienced one: He had been long the chief magistrate in the quarter contiguous to the Theatre of his projected operation; with the best opportunities of being acquainted with the population and localities on the hostile as well as his own side of the dividing straight: He had also been the Superintendent of our affairs with the Indian tribes holding intercourse with that district of country; a trust which afforded him all the ordinary means of understanding, conciliating, and managing their dispositions. With such qualifications and advantages which seemed to give him a claim above all others to the station assigned to him, he sunk before obstacles at which not an officer near him would have paused; and threw away an entire army, in the moment of entering a career of success, which would have made the war as prosperous in its early stages, and promising in its subsequent course as it was rendered by that disaster oppressive to our resources, and flattering to the hopes of the enemy. By the surrender of Genl. Hull the people of Canada, not indisposed to favor us, were turned against us; the Indians were thrown into the service of the enemy; the expence & delay of a new armament were incurred; the western militia & volunteers were withheld from offensive co-operation with the troops elsewhere by the necessity of defending their own frontiers and families agst incursions of the Savages; and a general damp spread over the face of our affairs. What a contrast would the success so easy at the outset of the war have presented! A triumphant army would have seized on Upper Canada and hastened to join the armies at the points below; the important command of Lake Erie would have fallen to us of course; the Indians would have been neutral or submissive to our will; the general spirit of the country would have been kindled into enthusiasm; enlistments would have been accelerated; volunteers would have stepped

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forward with redoubled confidence & alacrity; and what is not of small moment, the intrigues of the disaffected would have been smothered in their embryo state.<sup>1</sup>

<sup>1</sup> To Henry Lee, February, 1827 Madison wrote:

“The plan in question embraced—1. An expedition into Lake Huron with 4 or 5 vessels, & 800 or 1,000 men, to obtain possession of Mackinaw & St. Josephs. 2. An expedition with the forces under General Brown, to Burlington Heights preparatory to further operations for reducing the Peninsula; the expedition to depend on Chauncey's getting the command of Lake Ontario without which supplies could not be secured. 3. the building of 14 or 15 armed boats at Sacket's Harbour, so to command the St Lawrence under the protection of posts to be supplied from Izard's command, as to intercept the communication between Montreal & Kingston. 4. The main force under Izard to make demonstrations towards Montreal, in order to divert the Enemy from operations westward, and afford the chance of compelling Prevost to fight disadvantageously, or break up his connection with Lake Champlaine.

“I pass to the reference you make to certain appointments both for the army and for the Cabinet. Selections for office, always liable to error was particularly so for military command at the commencement of the late war. The survivors of the Revolutionary hand who alone had been instructed by experience in the field were but few; and of those several of the most distinguished, were disqualified by age or infirmities, or precluded by foreknown objections in the advisory Branch of the appointing Department. This last cause deprived the army of services which would have been very acceptable to the nominating Branch. Among those who had acquired a mere disciplinary experience, no sufficient criterion of military capacity existed; and of course they had to undergo tests of another sort, before they were marked out for high military trusts.

“That the appointment of Hull was unfortunate, was but too soon made certain. Yet he was not only recommended from respectable quarters, but by his ostensible fitness also.

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He was a man of good understanding. He had served with reputation, and even some *eclât* in the Revolutionary Army; He had been the Govr. at Detroit, and, could not but be acquainted with the population & localities on the hostile as well as on his own side of the boundary; And he had been the superintendent of our Affairs with the Indians, a knowledge of which was of much importance. These advantages seemed to give him not only a preference, but an appropriateness for his trust. They were nevertheless fallacious; and it is not unworthy of recollection, that after the disaster which proved it, some who had been most warm in his recommendation, were most ready to condemn the confidence put in him.

“The appointment of Genl. Dearborn is also very unfavorably noticed. To say nothing of his acknowledged bravery & firmness, his military experience & local knowledge acquired during the Revolutionary war, had their value. And he had administered the Department of War for 8 years, to the satisfaction of the then President who thought well not only of his specific qualifications; but generally of his sound and practical judgment. To these considerations were added a public standing calculated to repress jealousies in others, not easy to be guarded agst. in such cases, and always of the worst tendency; It may well be questioned, whether any substituted appointment would at the time have been more satisfactory.

“The advanced position in the service, given to General Smyth was much to be regretted. Some of the circumstances which led to it were specious, and the scale & cultivation of his understanding very respectable, but his talent for military command was equally mistaken by himself, and by his friends.

“Before I advert to your review of Cabinet appointments, I must allude to the field of choice *as narrowed* by considerations never to be wholly disregarded. Besides the more essential requisites in the candidate, an eye must be had to his political principles and connexions, his personal temper and habits, his relations of feelings towards those with whom he is to be associated; and the quarter of the Union to which he belongs. These considerations,

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the last as little as any are not to be disregarded, but in cases where qualifications of a transcendent order, designate individuals, and silence the patrons of competitors whilst they satisfy the public opinion. Add to the whole, the necessary sanction of the Senate; and what may also be refused, the necessary consent of the most eligible individual: You are probably very little aware of the *number of refusals* experienced during the period to which your observations apply.

“I must be allowed to express my surprize at the unfavorable view taken of the appointment of Mr. Jones. I do not hesitate to pronounce him the fittest minister who had ever been charged with the Navy Department. With a strong mind well stored with the requisite knowledge, he possessed great energy of character and indefatigable application to business. I cannot doubt that the evidence of his real capacity, his appropriate acquirements, and his effective exertions, in a most arduous service, & the most trying scenes, now to be found on the files of the Department, as well as my own, would reverse the opinion which seems to have been formed of him. Nor in doing him justice ought it to be omitted that he had on his hands, the Treasury as well as Navy Department, at a time when both called for unusual attention, and that he did not shrink from the former, for which he proved himself qualified, till the double burden became evidently insupportable.

“Mr. Campbell was the only member of the Cabinet from the West whose claims to a representation in it, were not unworthy of attention under existing circumstances. It was not indeed the quarter most likely to furnish fiscal qualifications; but it is certain that he had turned his thoughts that way, whilst in public life more than appears to have been generally known. He was, moreover, a man of sound sense, of pure integrity, and of great application. He held the office at a period when the difficulties were of a sort scarcely manageable by the ablest hands, and *when the ablest hands were least willing to encounter them*. It happened also that soon after he entered on his task, his ill health commenced, & continued to increase till it compelled him to leave the department.

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“Of Mr. Crowninshield it may be said without claiming too much for him, that he had not only recd. public testimonies of respectability in a quarter of the Union feeling a deep interest in the Department to which he was called, but added to a stock of practical good sense, a useful stock of nautical experience and information; and an accommodating disposition particularly valuable in the head of that Department, since the auxiliary establishment of the Navy Board, on which the labouring oar now devolves. Superior talents without such a disposition, would not suit the delicacy of the legal relations between the Secretary & the Board, and the danger of collisions of very embarrassing tendency.

“As you have made no reference to Doctr. Eustis, I ought perhaps to observe a like silence. But having gone so far on the occasion, I am tempted to do him the justice of saying that he was an acceptable member of the Cabinet, that he possessed an accomplished mind, a useful knowledge on military subjects derived from his connexion with the Revolutionary army, and a vigilant superintendence of subordinate agents; and that his retreat from his station, proceeded from causes not inconsistent with these endowments. With the overload of duties required by military preparations on the great scale enjoined by law, and the refusal to him of assistants asked for who were ridiculed as crutches for official infirmity, no minister could have sustained himself; unless in the enjoyment of an implicit confidence on the part of the public, ready to account for every failure, without an impeachment of his official competency. In ordinary times Eustis wd. have satisfied public expectation, & even in those he had to struggle with, the result wd. have been very different with organizations for the War Dept. equivalent to what has been found so useful in a time of peace for an army reduced to so small an establishment.— *Mad. MSS.*

But in spite of the early frowns of fortune, the war would have pressed with a small portion of its weight but for the great military Revolution in Europe, the most improbable of contingencies, which turned upon us such a body of veteran troops, enured to combat and flushed with victory.

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Happily this occurrence, so menacing in its aspect, led to exploits which gained for the arms of our Country a reputation invaluable as a guaranty against future aggressions, or a pledge for triumphs over them.

There is a circumstance relating to the Treaty of Ghent which seems to have escaped the notice to which it is entitled. After the close of the British war on the Continent of Europe, and during the negotiations for closing it with us, the question arose in the House of Commons, whether the war taxes were to cease with the European war, or to be continued on account of the war with the U. S.; the British Minister having given an assurance previous to the latter that those obnoxious taxes should be repealed on the return of peace. The question was put home to M. Vansittart the Exchequer Minister, who well knowing that the nation would not support at that oppressive expence a war reduced as the objects of it had become, shunned an answer, got the Parliament prorogued till the month of February, and in the meantime the Treaty was concluded at Ghent. I have not the means of refreshing or correcting my memory, but believe you will find on consulting the parliamentary annals of that period that what is stated is substantially true.

Permit me to repeat generally that these paragraphs are intended for your *examination*, as well as consideration. They may be neither free from errors, nor have a sufficient affinity to your biographical text; and if admitted into it, will need from your pen both developments and adaptations making them your own. Whether admissible or not, they will prove the sincerity of my promise to suggest anything that might occur to my thoughts. And that I may not be without some proofs also that I have not forgotten the other promise of whatever might be caught by my eye, I inclose a small pamphlet published within the period of Mr. Pinkney's public life, and throwing light on the then state of parties in the U. States. It was drawn up at the pressing instances of my political friends, at the end of a fatiguing session of Congress, and under a great impatience to be with my family on the road homeward but with the advantage of having the whole subject fresh in my memory

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and familiar to my reflections. The tone pervading it will be explained if not excused by the epoch which gave birth to it.